

United States District Court
for
Middle District of Tennessee

Superseding Petition for Summons for Offender Under Supervision
[Supersedes Petition Filed as Docket Entry No. 51]

Name of Offender: Roger Ramone Wallace Case Number: 3:05-00201

Name of Sentencing Judicial Officer: Honorable Robert L. Echols, U.S. District Judge

Name of Current Judicial Officer: Honorable Todd J. Campbell, U.S. District Judge

Date of Original Sentence: May 15, 2006

Original Offense: 18 U.S.C. § 922 (g)(1), Felon in Possession of a Firearm

Original Sentence: 60 months' custody and 3 years' supervised release

Type of Supervision: Supervised Release Date Supervision Commenced: September 16, 2010

Assistant U.S. Attorney: Sandra Moses Defense Attorney: Michael Holley

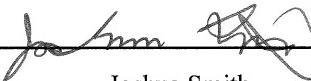
PETITIONING THE COURT

- To issue a Summons.
 To issue a Warrant.
 To Consider Additional Violations/Information
-
-

THE COURT ORDERS:

- No Action
 The Issuance of a Warrant
 Sealed Pending Warrant Execution
 (cc: U.S. Probation and U.S. Marshal only)
 The Issuance of a Summons
 Other *Consider additional alleged violations*
-

I declare under penalty of perjury that the foregoing is true and correct. Respectfully submitted,


Joshua Smith

U.S. Probation Officer

Considered this 22 day of NOV., 2013,
and made a part of the records in the above case.



Todd J. Campbell
U.S. District Judge

Place Nashville, TN

Date November 22, 2013

ALLEGED VIOLATIONS

The information provided in the previous petition, filed as docket entry No. 51, has been amended as follows:

Violation No.1 - has been amended to include additional positive drug tests

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation No. Nature of Noncompliance

1. The defendant shall refrain from any unlawful use of a controlled substance.

Mr. Wallace tested positive for cocaine on six occasions.

September 26, 2013	October 17, 2013	November 8, 2013
October 3, 2013	October 30, 2013	November 18, 2013

Compliance with Supervision Conditions and Prior Interventions:

Mr. Wallace began supervised release on September 16, 2010, and is due to terminate supervision on December 31, 2013. He was referred for a substance abuse assessment in November 2010. Substance abuse treatment was not recommended at that time.

A report was submitted to the Court on October 17, 2012, informing that Mr. Wallace tested positive for cocaine on three occasions. As a result of the positive drug tests, his drug testing was increased and he was referred for another substance abuse assessment. His substance abuse assessment was completed in November 2012, and substance abuse treatment began at that time.

A petition for a summons was submitted to the Court on March 4, 2013, reporting that Mr. Wallace tested positive for cocaine four times, failed to report for drug testing on one occasion, failed to report for substance abuse treatment on one occasion, and had been charged with Driving on a Suspended License. He reported on the summons and an initial appearance was held on March 19, 2013. He continued to test positive for cocaine following the initial appearance. On April 11, 2013, Mr. Wallace informed that he had contacted Elam Mental Health Center to participate in more intense substance abuse treatment.

A superseding petition was submitted to the Court on April 12, 2013, reporting that Mr. Wallace tested positive for cocaine on three additional occasions, failed to report for drug testing on one additional occasion, the charge of Driving on a Suspended License was dismissed, and he had been issued a citation for possession of a marijuana roach. The charge was retired for six months. A revocation hearing was held before Your Honor on April 25, 2013, and the hearing was continued for 3 months to allow Mr. Wallace the opportunity to attend intensive outpatient substance treatment at Elam. He began treatment in April 2013.

A superseding petition was submitted to the Court on June 5, 2013, reporting that Mr. Wallace tested positive for cocaine on three additional occasions and failed to report for substance abuse treatment on two additional occasions.

A superseding petition was submitted to the Court on July 8, 2013, reporting that Mr. Wallace tested positive on two additional occasions and failed to report for drug testing on one additional occasion. He was admitted into Elam for inpatient substance abuse treatment in July 2013. He successfully completed the inpatient substance abuse treatment program.

A revocation hearing was held on September 13, 2013, before Your Honor. As a result of the revocation hearing, the term of supervised release for Mr. Wallace was extended approximately 3 months, until December 31, 2013. As previously stated, Mr. Wallace continues to test positive for illegal drugs. He has tested positive for cocaine a total of twenty times while on supervised release.

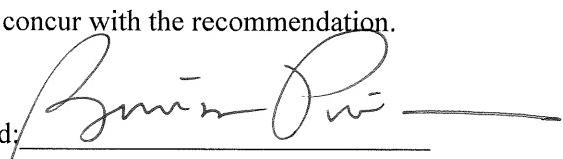
Update of Offender Characteristics:

Mr. Wallace has reportedly been employed full-time since September 2013.

U.S. Probation Officer Recommendation:

It is respectfully requested that the additional violations be considered at the revocation hearing scheduled before Your Honor on December 5, 2013. This matter has been discussed with the U.S. Attorney's office and they concur with the recommendation.

Approved:



W. Burton Putman
Supervising U.S. Probation Officer

SENTENCING RECOMMENDATION
UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE
UNITED STATES V. ROGER RAMONE WALLACE, CASE NO. 3:05-00201

GRADE OF VIOLATION: C
CRIMINAL HISTORY: IV

ORIGINAL OFFENSE DATE: POST APRIL 30, 2003 **PROTECT ACT PROVISIONS**

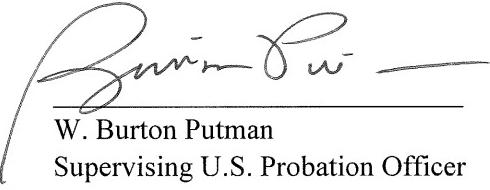
	<u>Statutory Provisions</u>	<u>Guideline Provisions</u>	<u>Recommended Sentence</u>
CUSTODY:	2 years (Class C Felony) <i>18 U.S.C. § 3583(e)(3)</i>	6-12 months <i>U.S.S.G. § 7B1.4(a)</i>	No recommendation
SUPERVISED RELEASE:	3 years minus any term of imprisonment <i>18 U.S.C. § 3583(h)</i>	1-3 years <i>U.S.S.G. § 5D1.2(a)(2)</i>	No recommendation

Revocation is mandatory if the defendant, as a part of drug testing, tests positive for illegal controlled substances more than 3 times over the course of 1 year, 18 U.S.C. § 3583 (g)(4) . The court shall consider whether the availability of appropriate substance abuse treatment programs, or an individual's current or past participation in such programs, warrants an exception in accordance with United States Sentencing Commission guidelines from the rule section 3583 (g) when considering any action against a defendant who fails a drug test. 18 U.S.C. § 3583 (d).

Guideline Policy Statements: Upon a finding a Grade C violation, the Court may (A) revoke probation or supervised release; or (B) extend the term of probation or supervised release and/or modify the conditions of supervision.

Respectfully Submitted,


Joshua Smith
U.S. Probation Officer

Approved: 
W. Burton Putman
Supervising U.S. Probation Officer